

District 101 - Public Act 14

From: "Wally Obits" <conwal2@earthlink.net>
To: "Marie Donigan" <mariedonigan@house.mi.gov>, "Doug Bennett" <dougbenett@house.mi.gov>, "Kathleen Law" <kathleenlaw@house.mi.gov>, "Pam Byrns" <pambyrns@house.mi.gov>, "Fred Miller" <fredmiller@house.mi.gov>, "Matthew Gillard" <matthewgillard@house.mi.gov>, "Tom Pearce" <tompearce@house.mi.gov>, "Tim Moore" <timmoore@house.mi.gov>, "Kevin Elsenheimer" <kevinelsenheimer@house.mi.gov>, "Chris Ward" <chrisward@house.mi.gov>, "Phillip LaJoy" <phillajoy@house.mi.gov>, "Brian Palmer" <repbrianpalmer@house.mi.gov>, "David Palsrok" <davidpalsrok@house.mi.gov>, "Tom Meyer" <tommeyer@house.mi.gov>, "Phil Pavlov" <phillippavlov@house.mi.gov>
Date: 5/6/2006 10:39:59 PM
Subject: Public Act 14

May 5, 2006

WETLAND WATCH

Testimony of Wetland Watch on Public Act 14 before the Senate Committee on Natural Resources and Environmental Affairs and House Committee on Natural Resources, Great Lakes, Land Use Environment.

Tuesday, May 9th, 2006
House Office Building, Room 519

SUBJECT; Public Act 14, Beach Maintenance and Removal of Vegetation.

The following is the response of Wetland Watch organization to the proposed action on the Public Act 14.

Wetland Watch is a non-profit organization formed in 2002 in the State of Michigan for the purpose of protecting the remaining inland and coastal wetlands, the restoration of wetlands wherever possible, and the education of children and adults concerning the benefits of wetlands for cleaner water and habitat for native flora and fauna.

We have been instrumental in enacting a wetland ordinance for Spring Lake Township and through grants have aided local educators in the development of programs to educate students in the ecological functions of wetlands.

We have reviewed the "Report on the Impacts of Beach Maintenance and Removal of Vegetation under Act 14 of 2003" and submit our own analysis as follows:

Wetland Watch agrees with the DEQ recommendations that vegetation removal under a letter of approval from the Director of the DEQ be allowed to sunset on June 5, 2006, as specified in Act 14. After that date, an individual permit evaluated on a case-by-case basis would be required. The following reasons for our decision are presented:

1. The result of earlier wetland and aquatic vegetation loss has had a profound effect in both monetary and environmental impact on our local community.
2. The proposed plan to spend millions of tax dollars in an effort to restore Lake Michigan to a clean water condition is not consistent with Act 14, which allows for further degradation of our Great

Lakes through destruction of natural ecological filtering process of the vegetation.

3. The removal of vegetation from the beaches does have a negative impact on the fish reproduction through the elimination of spawning grounds and fish food supply of small organisms.
4. Wildlife of many species, including migrating bird natural flyways are negatively affected.
5. The beach area from the waters edge to the ordinary high water mark is available to the public. Why should a few be allowed to destroy the natural environment enjoyed by so many residents of Michigan?

Page 1 of 2

6. Owners of beachfront property should realize that rising and falling of lake levels create the condition of natural vegetation and accept this as an ongoing fact of property ownership. Although ownership of the land adjoining a body of public water entitles the owner to certain riparian rights, these rights do not include acts, which negatively affect those waters and its surrounding ecosystem. We believe it is the duty of the DEQ and our legislators to protect these natural resources and hold them in trust for future generations.
7. The destruction of a few beaches is undesirable but consider the monumental environmental impact if all beaches along the Great Lakes were similarly cleaned of vegetation. The impact on the perch fishing due to smaller hatches would result in a serious blow to Michigan revenue from the sport fishing industry. The effect on small and large mouth bass populations would also be seriously impacted.
8. The negative impact of loss of vegetation on the beaches affect the sand erosion and in the long-term result in possible sand dune formation in areas not now impacted. We have witnessed several homes being washed into Lake Michigan by sand erosion. This loss of shoreline should be considered as a long-term possibility with the destruction of a natural safeguard.

In conclusion, we understand that some waterfront homeowners consider natural aquatic vegetation an eyesore and a nuisance; scientific evidence shows that removal of this vegetation does have far reaching negative consequences to our environment. Wetland Watch believes that Public Act 14 should be allowed to sunset on June 5, 2006.

Please note that Wetland Watch intends to attend and submit testimony on Public Act 14 Tuesday, May 9, 2006. at the House Office Building, Room 519. We would appreciate placing one of our members on the testimony listing for that date, as we will be attending from out of town. Thank you.

WETLAND WATCH
Wallace Obits, President
818 River St.
Spring Lake, MI 49456

Page 2 of 2



MICHIGAN DIVISION

Defenders of Soil, Air, Woods, Waters and Wildlife
6260 Blythefield NE
Rockford, MI 49341
May 8, 2006

Representative David Palsrok
Room S-1385
Anderson Building
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Palsrok:

The Michigan Division of the Izaak Walton League of America **SUPPORTS** the recommendations of the Michigan Department of Environmental Quality that Public Act 14 of 2003 be allowed to sunset on June 5, 2006. The Michigan legislature should stay out of management of our natural resources including beach grooming. We suggest the recommendations made by the DEQ in their report "Report on Beach Maintenance and Removal of Vegetation under Public Act 14 of 2003" should be implemented as outlined.

Great Lakes water front owners need to recognize changes in water levels are a natural part of the Great Lakes and with those changes shoreline vegetation changes will occur. They should have known this before they purchased the property. Those property owners also have a responsibility to maintain their waterfronts in a manner that does not diminish the natural resources of the State of Michigan.

Few fish, shorebirds, invertebrates, and associated food organisms prefer sand bottoms without vegetation as their habitat. And, as the DEQ report points out, those that are present are there in significantly reduced numbers over adjacent vegetated habitat. There is considerable scientific literature available which supports the findings in the DEQ report.

Any action to maintain or increase the amount of beach grooming would seem to be counter productive to federal legislation recently introduced by Michigan's Senator Levin and Congressman Ehlers. The Great Lakes Collaboration and Implementation Act (S.B. 2545, H.R. 5100) recognize the importance of protecting and restoring Great Lakes coastal wetlands and vegetation, as well as other wetlands, and recommends the

expenditure of considerable monies to do so. Michigan has lost over 50% of its wetlands, many of them associated with the Great Lakes. Beach grooming causes further destruction of the coastal wetlands.

As a retired fisheries biologist, I suggest the science is **AGAINST** beach grooming. Beach grooming is not in the best interest of our Great Lakes resources. Let Act 14 sunset and the DEQ proceed with their recommendations for shoreline management of the Great Lakes shorelines.

Sincerely,

E. John Trimberger, President
Michigan Division
Izaak Walton League of America

Cc- Senate Committee on Natural Resources and Environmental Affairs
House Committee on Natural Resources, Great Lakes, Land Use and Environment
Senator Ken Sikkema

District 101 - Beach Maintenance

From: "Tim Ryan" <ryantandt@wowway.com>
To: <davidpalsrok@house.mi.gov>
Date: 5/8/2006 4:02:20 PM
Subject: Beach Maintenance

We need your help protecting OUR beaches and keeping Michigan THE GREAT LAKES STATE.

Its important not only to waterfront homeowners but to all the residents of Michigan.

Our tourism counts on a beautiful and accessible shoreline. Our real estate tax base counts on "waterfront property" being just that – WATERFRONT, not property overlooking wetlands with no way to the "waterfront".

We need your help in removing the sunset provision of 2003 PA 14.

Thank you for your time and hard work.

Sincerely,

Tim Ryan
22825 Poplar Beach Dr.
St. Clair Shores, MI 48081

District 101 - Save Our Shores

From: "Fran Triebes" <tftriebes@earthlink.net>
To: "Sen. Michelle McManus" <senmmcmanus@senate.michigan.gov>, "Rep. David Palsrok" <davidpalsrok@house.mi.gov>, "Congressman Dave Camp" <dave.camp@houseenews.net>
Date: 5/9/2006 11:26:32 AM
Subject: Save Our Shores

I am concerned about a massive loss of tourism in Michigan if we are not allowed to groom beaches that have existed for some time. Granted wetlands should be kept as wetlands and no one is arguing that point. A large part of our tax base comes from tourism and with the jobs being lost here, as it is, we certainly don't need any more losses. Thanks for listening.

Fran Triebes
231-228-6834
cell - 231-883-7988
tftriebes@earthlink.net
Republican Women are the Life of the Party

District 101 - Beach Grooming

From: "Larry Roller" <lroller246486MI@comcast.net>
To: <davidpalsrok@house.mi.gov>
Date: 5/4/2006 9:44:49 AM
Subject: Beach Grooming

Rep. Palsrok,

We urge you to pass an extension of 2003 PA 14. This issue has a bottom line – ***recreational beaches are essential to Michigan tourism.***

Larry and Elizabeth Roller
42978 Arlington Rd
Canton, MI 48187

From: "SUSAN DARNOLD" <sdarnold@chartermi.net>
To: <davidpalsrok@house.mi.gov>
Date: Thu, Apr 27, 2006 9:03 AM
Subject: Beach Cleaning

As a property owner along Grand Travers Bay, I am concerned over the heavy handed approach of the DEQ over restricting beach grooming. They site the study that was just done comparing fish in wild life areas with fish in areas where there are massive municipal beaches. Naturally, there would be "big" differences there. They didn't talk about doing studies in other areas where there is a mix of beaches that do nothing, to those that do moderate grooming. I live in an area where we have that mix, and we have fish. All we are trying to do is get rid of the zebra muscle shells (invasive species), plants that would not normally be there except for the drop in the water levels and stuff that washes up on shore.

The DEQ should be more concerned with invasive species, sewage dumping, other pollution and massive diversion of water which to me causes much more damage then that by property owners trying to clean up the resulting mess. Or, is this the DEQ's way of diverting attention from their shortfalls in that area, by covering up with this ploy.

Now, should the DEQ get their way on this ruling against property owners, then in all fairness it should also apply to the large municipal beaches. Eventually, the Michigan shoreline will be one big mess. There go the tourist dollars. Also, just ask the townships about the flak they are getting about the tax assessments. Property owners are already protesting the higher assessments for "beach front" property assessments when in fact, they are losing their beaches. Who wants to pay major dollars for mucky, yucky, weedy land. If they had wanted that, they could have just bought swamp/marsh property to begin with for much less with lower taxes.

So please, use common sense in this. Protect your property owners rights.....get the DEQ focused on the bigger issues of invasive species, sewage dumping, pollution and water diversion.

Sincerely,
Susan R. Darnold
3742 S. Lee Point Road
Suttons Bay, MI 49682

FAX

August 2, 2005

Mr. Don Reinke
Detroit District, Corps of Engineers

FAX: (313) 226-6763

File No. 00-056-083-1

Dear Mr. Reinke:

In conjunction with our request for a modified permit (June 10, 2005) I would like to submit a report demonstrating a remarkable increase in current and projected income at the North Shore Inn since the creation of a sandy beach at our hotel this past spring. I am asking this supporting data be considered by the Corps of Engineers in the issuance of a modified permit to keep and enlarge our beach at the North Shore Inn within the limits of the 50' Regional and additional 50' permit requiring public notice.

1. STEADY LOSS OF GUESTS AND INCOME FROM 2002 TO 2004

In the past several years, but particularly in the past 3 years, annual income at the North Shore Inn, which, at one time, had a beautiful, clean, 200' wide sandy beach, has steadily decreased a total of \$60, 800, or approximately 15 %, from 2002 to 2004. At this rate, we were near the point of no longer being able to operate this facility as a hotel. With no beach, despite the beachfront location, we would not have been able to continue to pay the operating costs, and raising the rates to counter balance the loss of reservations, would have failed.

<u>ANNUAL GROSS INCOME</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
	\$490,991	\$473,639	\$430,187

Annual income for 2004 was lower than the first year the hotel opened in 1992, when gross income was \$431,900, twelve years earlier.

Other than these rather striking figures, and those that follow in this letter, I can also cite anecdotal information to explain why we have lost customers. Even our most loyal guests have begun to stay elsewhere. People who were scouting for the next year would not book with us because of the slimy marsh in front of our hotel. Last summer we gave refunds and deep discounts to guests who did stay with us, but who were turned off by the vegetation. Guests even posted comments on the forums sections of hotel websites, critical of our reference to the North Shore Inn as a "beachfront" hotel (I have enclosed a copy from a "Trip Advisor" website).

2. SIGNIFICANT INCOME INCREASE IN SUMMER INCOME 2004-5

Since the 2005 year is obviously not complete, and with no accurate annual income data for the full year, I have made some monthly income comparisons for May, June, and July, 2004 and the same months for 2005, since we have no accurate forecast for August.

The results are equally striking, not only because of the income increases for these months from 2004 to 2005, but in the increases in future reservation deposits from 2004 to 2005, almost all for the 2006 summer season!

<u>MONTHLY INCOME</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>
2004	\$21,786	\$45,166	\$118,398
2005	\$25,666	\$52,359	\$145,392

As is evident, income increased for these 3 months from 2004 to 2005 by \$38,000, or over 16%.

3. SIGNIFICANT INCOME INCREASE FROM RESERVATION DEPOSITS FOR THE 2006 SUMMER SEASON, 2004 TO 2005

Along with the above income data was some more telling financial information which made it even more evident that we were not only attracting more guests this summer than in past years, but that we were increasing our reservation deposits for the 2006 season:

<u>RESERVATION DEPOSITS</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>
2004	\$11,771	\$14,657	\$24,650
2005	\$12,122	\$24,038	\$33,924

The total increase in future reservation deposits for the above 3 months increased by more than \$19,000, or more than 28% from 2004 to 2005.

4. WHY IT IS SO CRITICAL TO THE NORTH SHORE INN TO BE ABLE TO KEEP AND IMPROVE ITS CLEAN, SANDY BEACH ACCESS TO THE WATER

We have been advertising our new beach for months, first that we again had an improved access to the water, and that we were hopeful of obtaining permits to groom the beach, and then, finally, that we finally had been able to construct a dry, clean, sandy beach for families to enjoy and to reach the water. We have also featured "sandy beach" on our sign for weeks. But more helpful, we have been able to insure hundreds of our former guests and those who are inquiring about reservations all during the early spring and summer for the first time that we once again have a sandy beach in front of our hotel.

I don't believe there is anything significant this year than last that tourism, in general, was expected to increase for our area. We have had promising forecasts of improved tourism in the past few years, and we did not experience any of it. This has had little, if anything to do with our improved financial condition this summer.

In fact, if anything, there have been worries about the record-setting high gas prices and how this was discouraging travel. Attendance at the Cherry Festival was down. There has more and more competition with some nearby hotel expansion and there will be more from the 3 new hotels being built within a mile of ours. The condition of our hotel has always been excellent. I can't speak authoritatively for everyone else, or for the region, however, but I do know what is happening at our hotel. It is the beach. Period. It is the existence of a normal beach, and the dramatic difference it has made in the recovery of our business. Children and adult guests flock to it and play on it all day long. As they have made reservations for next year they have thanked us and made it clear that it is the beach that is bringing them back. Old guests are returning, and new guests from other hotels who walk the beachfront to scout out a hotel for the next year tell us how attractive they have found our beach. From a more unselfish point of view, it has given hundreds more of our visitors another access and opportunity to enjoy this beautiful resource, for kids to wade in it, for swimming, and boating. And for other than the most avid environmentalists, the presence of a clean, sandy beach with access to the water has been the single greatest attraction for our guests, and its absence has been the single greatest reason for them to stop staying here. Old and young, it is why they stay here.

We will still operate at a loss this year, although not nearly as great as last year. But this sandy beach will certainly make the difference between continuing the hotel operation and making plans to close the hotel operation, and with it, the reduction in property values of all the condominiums in the complex. It is our life-blood, it is the life-blood of 22 other condo owners here who have seen their investments suffer greatly as income has decreased, and it is critical to our existence. Please seriously consider these factors as you review our permit applications.

Sincerely,

George N. Sarris
NORTH SHORE INN

From: "George Sarris" <sarrisgn@chartermi.net>
To: <davidpalsrok@house.mi.gov>
Date: Wed, Apr 26, 2006 4:19 PM
Subject: Fw: 2003 PA 14

May I ask you for your support of the Removal of the Sunshine Provisions of 2003 PA 14? Thank you,
George Sarris

----- Original Message -----

From: George Sarris
To: senpbirkholz@senate.michigan.gov
Sent: Wednesday, April 26, 2006 3:54 PM
Subject: 2003 PA 14

I am writing to urge you and your committee to support the removal of the Sunset Provisions of 2003 PA 14. We need your support of jobs, tourism, and the health and safety of our visitors to the Grand Traverse Area, and enjoyment of one of our greatest natural resources...our sandy beaches. Until we received permits to remove the slime, muck, smelly and mosquito infested marshes from the area in front of our hotel which once had a beautiful sandy beach with crystal clear water, our guests refused to allow their children to go near this marshland (now called "emerging wetlands") to get out to the "new" water's edge. We lost hundreds of guests when the water table dropped at our end of East Bay, and they all went to other nearby hotels which still had their beaches intact and did not have water as shallow as ours. With the threat of the sunset provisions of 2003 PA 14, we are faced with the requirement that these marshes be allowed to grow back, and limit our access to the beach to perhaps a 6' wide path, which is a mockery to a fair policy. This is not a fair and equitable compromise. The few commercial properties which benefit from the beach grooming regulations in effect now make up a small fraction of the entire Grand Traverse Bay shoreline, and the impact is small and insignificant. Although I cannot speak for the hotels which would be affected by stricter beach grooming regulations, our condominium hotel will suffer irreversibly, as we were faced with closing until we received Army Corps and DEQ permits to clean up our beach. The beach grooming regulations have been under relentless attack by the Traverse City Record Eagle, and the various environmental groups. I have received threats from two groups for conducting permitted beach work at our property. There is a real issue of hypocrisy here, because if the Traverse City State Park beach, and the several Traverse City municipal beaches also began to suffer from low water tables and marshes began to grow along these beaches, I would bet there would be no more attack dog editorials from the Record Eagle, as thousands of tourists left to go to other cities to enjoy a day at the "beach" and as Traverse City's tourist economy took a nose-dive. Help us out. We are not asking for much...just our survival. I am attaching a letter sent to the Army Corps of Engineers regarding our hotel's economics connected to this issue. Sincerely, George Sarris, North Shore Inn, 2305 US 31 North, Traverse City, MI 49686 (231) 938-2365. Please include this email in the minutes of your hearings and if you were so inclined as to read it at a meeting, I would be pleased.

RESOLUTION TO SUPPORT REMOVAL OF THE SUNSET PROVISIONS FROM
2003 PA 14.

WHEREAS, the Legislature has provided in 2003 PA 14 for the removal of vegetation , and other beach maintenance activities if the beach was a beach prior to 1997, is not in a designated environmentally sensitive area, and does not violate the endangered species act of 1973; and

WHEREAS, we have supported in the past, and continue to support, a Great Lakes riparian owner's right to maintain their shoreline property; and

WHEREAS, the beaches in this county have been adversely affected by pollution, sewage spills and invasive species; and

WHEREAS, Lake Huron is in a period of extremely low water that exposed expansive beach front to new invasive vegetation growth and swales; and

WHEREAS, this expansive growth of invasive species is detrimental to the use and enjoyment of the shoreline property by the owner, residents and the general public; and

WHEREAS, the Michigan Supreme Court permits walking along the shoreline, removal of the invasive vegetation and swales is necessary to permit walking the shoreline; and

WHEREAS, shoreline residents have maintained their beaches without any state or federal funding; and

WHEREAS, the risk of West Nile Virus and other mosquito-borne illness is higher in mosquito infested swales, and both residents and visitors have experienced, or have been exposed to the possibility of, bacterial infection from wading in shoreline swales; and

WHEREAS, many complaints have been received by visitors to our area that they are disappointed in the quality of our beaches prior to 2003 PA 14; and

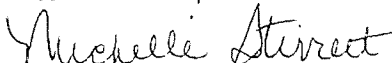
WHEREAS, removing the sunset provision of 2003 PA 14 will continue to permit a common sense approach to beach maintenance, improved tourism and health for our residents and visitors. and

Now, Therefore, Be It Resolved that Caseville Township supports local residents and commercial shoreline property owners being able to preserve, maintain and restore their beaches.

Resolution by Robert Drury second by Wayne Raymond.

Ayes: 5 Nays: 0

Resolution adopted this 3rd day of April, 2006



Michelle Stirrett, Caseville Township Clerk

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From: A. Hascall <hascall@hydroassociates.com>
Date: 4/11/2006 12:39:13 PM
To: SenPBirkholz@senate.michigan.gov
Subject: beach grooming under PA14 of 2003

Dear Senator Birkholz:

I have reviewed the MDEQ Report on Beach Maintenance and Removal of Vegetation under Public Act 14 of 2003 dated March 2006. The results should be no surprise to anyone. I encourage you and your colleagues to support the MDEQ recommendations presented in the report as the sunset of PA 14 of 2003 approaches. If I may be of assistance, please contact me.

Sincerely,

Allan P. Hascall, Ph.D.

Society of Wetland Scientists, Certified Professional Wetland Scientist
#1132

1696 Sycamore Street, Otsego, MI 49078

269-692-2377

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